

From: Michael Jordan
To: Microsoft ATR
Date: 12/31/01 11:53am
Subject: Microsoft Settlement

Dear Sir or Madam,

My name is Michael Jordan. First, I would like state for the record that I am presently working for a company that advocates the use of an alternative operating system known popularly throughout the world as Linux. I previously used the Microsoft operating systems known as MS-DOS, Windows 3.1 and Windows 95. Shortly after purchasing Windows 95, it became apparent to me that the goal of the Microsoft Corporation was not primarily to sell me products to help me develop computer software and to use computers more efficiently, but to put me on a "treadmill", so to speak, of never ending costly software updates and of buying new computer hardware on which could only adequately work using Microsoft products. I was trapped inside the Microsoft way of doing things and I wanted the freedom to develop on my own terms. Linux afforded me that freedom.

My purpose for writing is to argue that the settlement that the Department of Justice has reached with Microsoft is far too lenient for the egregious violations of both US law and common ethics that the Microsoft Corporation is guilty of. I would like to point out briefly two things which have happened to me, and I can safely assume this has happened to others, regarding Microsoft and software and computer purchases.

In 1995, after having bought Microsoft Windows 95. I attempted to open files created with software that I had purchased from Microsoft to run under Microsoft Windows 3.1. I was informed by way of a dialog box that I could not open these files. That is to say, I could not open files made by an earlier version of a Microsoft product with an updated version of the same Microsoft product. This proves that at Microsoft along with usability, obsolescence in just as important a design issue. The do this in an attempt to put users on the "update

treadmill" that I mentioned earlier. If these frequent upgrades were justifiable on the grounds

that newer versions Microsoft's product would enhance computer performance, I wouldn't be writing this letter. It is usually the quest for mere profit and continued dominance in the software industry that Microsoft releases frequent upgrades.

Moreover, it has been observed that Microsoft either holds back or releases upgrades of their and other companies' software only for considerations of market share, never taking into account the importance that certain software innovations could have in bettering the industry as a whole. That is to say, if Microsoft is behind on innovation, they either pressure strategic partners to not release their software on schedule or they hastily release ill designed and poorly tested software. This is done in order to give the appearance that they were the "first" with that particular innovation, thus getting a jump on other firms, who are, though technologically superior, unable to compete with Microsoft purely for reasons of name recognition and capitalization. Due to this, innovative companies with highly competent staff often are forced out of the market and the world is deprived of new and important developments in software.

A year after being introduced to the Linux operating system, I decided to buy a newer computer.

Due to the aggressive and, as has been proven in court, illegal attempt by Microsoft to pressure computer dealers to pre-install only Microsoft's operating systems, it was by all intents and purposes impossible to get a "plain" computer without Microsoft Windows pre-installed. I should add that due to Microsoft's illegal dominance in the operating system market, anyone who goes to a computer dealer today is almost, de-facto, pushed unwittingly into buying a Microsoft operating system along with her computer.

This takes on an especially alarming significance since the attacks of September 11, 2001.

It is clear and has been proven by countless computer security experts that Microsoft operating systems are by far the most vulnerable to those computer attacks popularly known as

"hacking".

In the interest of brevity, I will leave these two examples to speak for themselves. As I mentioned, my motivation for writing is to argue, from an informed perspective, that the settlement in the Microsoft anti-trust case proposed in early November 2001 is far too lenient.

The basic flaw that can be seen in the settlement is that it does not attempt to effectively remedy the two most dangerous consequences of Microsoft's monopoly and of which I have given two personal examples here: stifling of innovation and stifling of competition.

In order to set things right in the computer world, the settlement should oblige Microsoft to do two basic things:

1) Open up all source code for all software products released on the open market.

This will give all developers the opportunity to produce file formats which are compatible with Microsoft's software. If we have proven in a court of law the Microsoft has maintained a monopoly, what better remedy than to give software companies the opportunity to compete on an equal footing with them. This is particularly important as well, in light of the attacks of September 11, 2001. Microsoft's code is flawed from a security point of view. What better way to audit and repair these flaws than countless numbers of experts being able to look at the give their opinion of their development practices.

2) Prohibit Microsoft from operating directly with computer dealers.

The settlement should expressly prohibit Microsoft from getting their operating system installed on a computer before the consumer purchases it. Just as a person buying a new car is not obligated to forever use the same brand of gasoline, a person should not be obligated to use an operating system on a computer. This is why a computer dealer should have the freedom to buy various kinds of operating systems to have in stock and then inform the consumer that they have a choice. The computer dealer should

be the one to initiate any purchase orders with Microsoft. Microsoft should in no way initiate a contact or attempt to influence or consult in any way about how a computer should be sold. This of course means that Microsoft can and has the right under our free system of government and our system of free enterprise, to manufacture their own hardware and market it with their own operating system as is done by Apple Computer. But independently manufactured and assembled computer systems should not contain an operating system until the consumer either installs it herself or makes arrangements with the computer dealer to purchase a system from a company that she deems fit.

I believe that these two simple measures would provide the best remedy to the situation of Microsoft's illegal monopoly. It would also create a climate where computing is enjoyable for all, where innovation is freely pursued and security for individuals, governments and businesses is assured.

Thank you for your attention,

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